

LEONARD
STREET
AND
DEINARD

150 SOUTH FIFTH STREET SUITE 2300
MINNEAPOLIS, MINNESOTA 55402
612-335-1500 MAIN
612-335-1657 FAX

W. KARL HANSEN
612-335-7088 DIRECT
KARL.HANSEN@LEONARD.COM

October 5, 2009

Honorable Anne Quinlan
Acting Secretary
Surface Transportation Board
395 E Street SW
Washington, DC 20423



Re: *Abandonment of Trackage in Waukesha and Milwaukee Counties, Wisconsin*
STB Docket No. AB-57 (Sub-No. 58X)

Dear Secretary Quinlan:

225856

Enclosed for filing please find the unbound original, ten bound copies, and three compact discs containing electronic copies of Soo Line Railroad Company's Verified Notice of Class Exemption from the requirements of 49 U.S.C. § 10903 for the above-referenced rail line abandonment. I also enclose a check in the amount of \$3,700 as the filing fee pursuant to 49 C.F.R. § 1002.2.

Enclosed please find a duplicate copy of this letter and self-addressed stamped envelope to be stamped with the filing date and returned to the undersigned. Please contact me if you have any questions.

Very truly yours,

LEONARD, STREET AND DEINARD

A handwritten signature in black ink, appearing to read 'W. Karl Hansen'.

W. Karl Hansen

ENTERED
Office of Proceedings

OCT 13 2009

Part of
Public Record

Enclosures

cc: Bill Tuttle
Steve Fisk
Judy Mitchell
David Drach

FEE RECEIVED

OCT 13 2009

SURFACE
TRANSPORTATION BOARD

FILED

OCT 13 2009

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.



SOO LINE RAILROAD COMPANY –
ABANDONMENT OF TRACKAGE
LOCATED IN WAUKESHA AND
MILWAUKEE COUNTIES, WISCONSIN

DOCKET NO. AB-57
(SUB-NO. 58X)

NOTICE OF EXEMPT ABANDONMENT OF TRACKAGE LOCATED BETWEEN
MILEPOST 94.04 +/- (SOUTHEAST OF WATERTOWN PLANK ROAD) AND MILEPOST
93.2 +/- (APPROXIMATELY 1,100 FEET SOUTHEAST OF WEST BLUEMOUND ROAD)
WHICH TRAVERSES THROUGH UNITED STATES POSTAL SERVICE ZIP CODES
53005, 53122, AND 53226 IN WAUKESHA AND MILWAUKEE COUNTIES, WISCONSIN

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. SECTION 10502 AND 49 C.F.R. PART 1152

FILED

CLASS EXEMPTION FROM THE REQUIREMENTS
OF 49 U.S.C. SECTION 10903

OCT 13 2009

**SURFACE
TRANSPORTATION BOARD**

FEE RECEIVED

OCT 13 2009

**SURFACE
TRANSPORTATION BOARD**

**ENTERED
Office of Proceedings**

OCT 13 2009

**Part of
Public Record**

SOO LINE RAILROAD COMPANY
(d/b/a Canadian Pacific)

LEONARD, STREET and DEINARD
Professional Association
W. Karl Hansen
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402
Tel. (612) 335-7088
Fax. (612) 335-1657

Attorney for Applicant
Service Date: October 5, 2009

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.



SOO LINE RAILROAD COMPANY –)
ABANDONMENT OF TRACKAGE)
LOCATED IN WAUKESHA AND)
MILWAUKEE COUNTIES, WISCONSIN)

DOCKET NO. AB-57
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VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. SECTION 10502 AND 49 C.F.R. PART 1152

CLASS EXEMPTION FROM THE REQUIREMENTS
OF 49 U.S.C. SECTION 10903

Soo Line Railroad Company, d/b/a Canadian Pacific, (“Soo Line”) files this Verified Notice of Exemption pursuant to 49 U.S.C. § 10502 and the Board’s regulations at 49 C.F.R. Section 1152.50. This Verified Notice of Exemption is for Soo Line’s abandonment of a 4,458 +/- foot line of railroad between Milepost 94.04 +/- (southeast of Watertown Plank Road) and Milepost 93.2 +/- (approximately 1,100 feet southeast of West Bluemound Road) which traverses through United States Postal Service Zip Codes 53005, 53122, and 53226 in Waukesha and Milwaukee Counties, Wisconsin.

No local traffic has moved over the line for at least two years and all overhead traffic has been routed over other lines.

In accordance with the requirements of 49 C.F.R. Section 1152.50, Soo Line submits the following:

1. WRITTEN NOTIFICATION OF FILING FOR ABANDONMENT EXEMPTION – 49 C.F.R. SECTION 1152.50(d)(1).

Said notification was served on the appropriate parties on September 24, 2009, at least ten (10) days prior to the filing date of this exemption. See Exhibit No. 2.

2. PROPOSED CONSUMMATION DATE - 49 C.F.R. SECTION 1152.50(d)(2).

Soo Line intends to consummate the proposed abandonment of its trackage on the later of November 24, 2009 or 50 days after the filing of this notice.

3. CARRIER CERTIFICATION REGARDING LOCAL AND OVERHEAD TRAFFIC AND STATUS OF NO COMPLAINTS REQUIRED BY 49 C.F.R. SECTIONS 1152.50(b) and (d)(2).

The required Certification is attached as Exhibit No. 3.

4. INFORMATION REQUIRED BY 49 C.F.R. SECTIONS 1152.22(a)(1)-(4), (7) and (8) and (e)(4) (INCORPORATED BY REFERENCE IN 49 C.F.R. SECTION 1152.50(d)(2)):

- (a) SECTION 1152.22(a)(1) EXACT NAME OF APPLICANT.

Soo Line Railroad Company d/b/a Canadian Pacific.

- (b) SECTION 1152.22(a)(2) WHETHER THE APPLICANT IS A COMMON CARRIER BY RAILROAD SUBJECT TO 49 U.S.C. Subtitle IV, chapter 105.

Soo Line is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

- (c) SECTION 1152.22(a)(3) RELIEF SOUGHT (ABANDONMENT OF LINE OR DISCONTINUANCE OF SERVICE).

Soo Line seeks authority to abandon a 4,458 +/- foot line of railroad in Waukesha and Milwaukee Counties, Minnesota.

- (d) SECTION 1152.22(a)(4) DETAILED MAP

See Exhibit No. 1.

- (e) SECTION 1152.22(a)(7) NAME, TITLE AND ADDRESS OF REPRESENTATIVE OF APPLICANT TO WHOM CORRESPONDENCE SHOULD BE SENT.

W. Karl Hansen
LEONARD, STREET AND DEINARD
Professional Association
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402
Tel: (612) 335-7088
Fax: (612) 335-1657

- (f) SECTION 1152.22(a)(8) LIST OF ALL UNITED STATES POSTAL ZIP CODES THAT THE LINE PROPOSED FOR ABANDONMENT TRAVERSES:

United States Postal Zip Codes 53005, 53122, and 53226.

- (g) SECTION 1152.22(e)(4) STATEMENT OF WHETHER THE PROPERTIES PROPOSED TO BE ABANDONED ARE SUITABLE FOR USE FOR OTHER PUBLIC PURPOSES, INCLUDING ROADS OR HIGHWAYS, OTHER FORMS OF MASS TRANSPORTATION, CONSERVATION, ENERGY PRODUCTION OR TRANSMISSION, OR RECREATION. IF THE APPLICANT IS AWARE OF ANY RESTRICTION ON TITLE TO THE PROPERTY, INCLUDING ANY REVERSIONARY INTEREST, WHICH WOULD AFFECT THE TRANSFER OF TITLE OR THE USE OF THE PROPERTY FOR OTHER THAN RAIL PURPOSES, THIS SHALL BE DISCLOSED.

The property proposed to be abandoned may be suitable for other public uses. Other than a 1990 highway easement granted to the Wisconsin Department of Transportation for Bluemound Road and a 2004 storm sewer easement granted to Autumn Grove, LLC, Soo Line is not currently aware of any restriction on title to the property, including any reversionary interest, which would affect the transfer of title or the use of the property for other than rail purposes.

5. SECTION 1152.50(d)(2) THE LEVEL OF LABOR PROTECTION.

Soo Line understands that in granting an exemption for the proposed abandonment, the Board does not relieve a carrier of its statutory obligation to protect the interests of employees. Accordingly, while Soo Line anticipates that no adverse effect to its employees will occur as the result of this abandonment, it understands that the Board will likely impose the conditions set forth in *Oregon Short Line Railroad Company - Abandonment – Goshen*, 360 I.C.C. 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed abandonment.

6. SECTION 1105.7(c) CERTIFICATE OF SERVICE OF ENVIRONMENTAL REPORT AND HISTORIC REPORT.

An Environmental Report and Historic Report was prepared in accordance with 49 C.F.R. Sections 1105.7 and 1105.8 and served on the Board and all relevant parties on September 14, 2009, pursuant to 49 C.F.R. Section 1105.7(b). Applicant's certification pursuant to 49 C.F.R. Section 1105.7(c) is attached as Exhibit No. 4.

7. SECTION 1105.12 PUBLICATION OF NEWSPAPER NOTICE.

Notices in accordance with Section 1105.12 were published in a newspaper of general circulation where the subject trackage is located. A copy of said notice with the required Certification are attached as Exhibit No. 5.

8. VERIFICATION.

The required Verification is attached as Exhibit No. 6.

Dated

October 5, 2009



W. Karl Hansen
LEONARD, STREET AND DEINARD
Professional Association
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402
Tel.: (612) 335-7088
Fax: (612) 335-1657

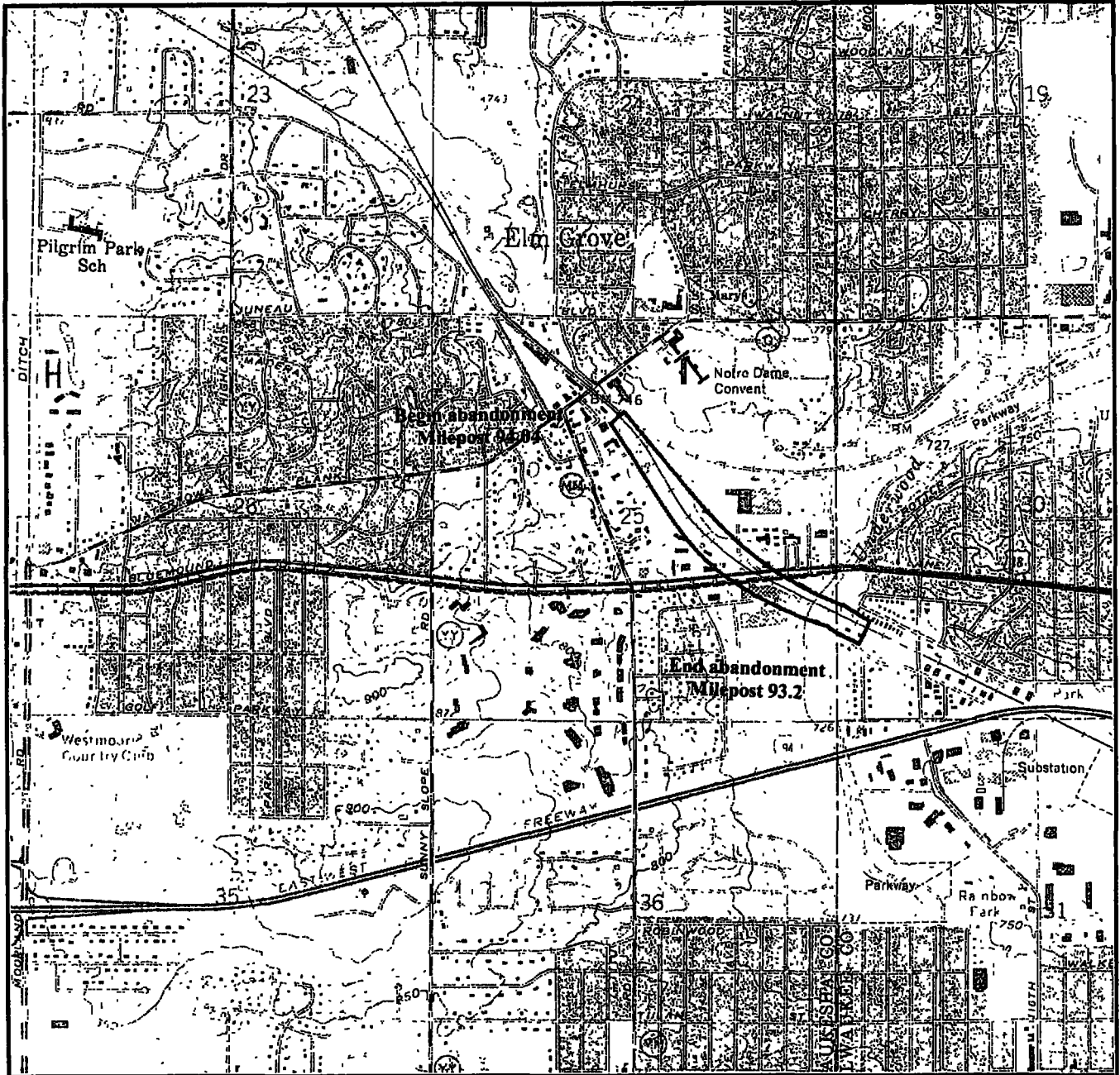
Counsel for Soo Line Railroad Company

Exhibit No. 1

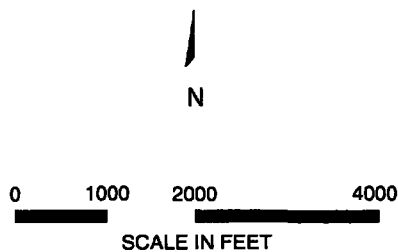
Detailed Exhibit Map for Verified Notice of Exemption

49 C.F.R. Sections 1152.50(d)(2) and 1152.22 (a)(5)

**Soo Line Railroad Company – Abandonment - Waukesha
and Milwaukee Counties, Wisconsin
STB Docket No. AB-57 (Sub-No. 58X)**



SOURCE: USGS 7 1/2 Minute Topographic Map, WAUWATOSA, WISCONSIN Quadrangle, 1994



SITE LOCATION



SITE LOCATION MAP

CANADIAN PACIFIC
WEST ALLIS LINE
WAUWATOSA AND ELM GROVE, WISCONSIN

FIGURE

1

Exhibit No. 2

**Certification of Proper Service of Written
Notice of Intent to Abandon under the Exemption Process**

49 C.F.R. Section 1152.50(d)(1)

CERTIFICATE OF COMPLIANCE WITH SERVICE REQUIREMENT FOR
NOTIFICATION OF INTENT TO FILE EXEMPTION ABANDONMENT

The undersigned hereby certifies that he served the Notice of Intent to File Verified Notice of Exemption for the proposed abandonment in Docket No. AB-57 (Sub-No. 58X) via first class U.S. Mail, on September 24, 2009, as required by 49 C.F.R. Section 1152.50(d)(1), to the parties listed on the attached Service List.

Dated:

October 5, 2009



W. Karl Hansen
LEONARD, STREET AND DEINARD
Professional Association
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402
Tel.: (612) 335-7088
Fax: (612) 335-1657

Counsel for Soo Line Railroad Company

SERVICE LIST
NOTICE OF INTENT TO FILE EXEMPT ABANDONMENT
Soo Line Railroad Company – Abandonment of
Trackage Located in Waukesha and Milwaukee Counties, Minnesota
STB Docket No. AB-57 (Sub-No. 58X)

WISCONSIN PUBLIC SERVICE COMMISSION (OR EQUIVALENT AGENCY)

Roger Breske
Commissioner
Office of the Commissioner of Railroads
610 N. Whitney Way
P.O. Box 7854
Madison WI 53708-7854

U.S. DEPARTMENT OF DEFENSE

Office of Special Assistant for Transportation Engineering
Surface Deployment and Distribution Command
Transportation Engineering Agency
Railroads for National Defense Program
709 Ward Drive, Building 1990
Scott AFB, IL 62225

NATIONAL PARK SERVICE, RECREATION RESOURCES ASSISTANCE DIVISION

National Center for Recreation and Conservation
U.S. Department of the Interior
National Park Service
1849 C Street N.W.
Org. Code 2220
Washington, DC 20240

U.S. DEPARTMENT OF AGRICULTURE, CHIEF OF THE FOREST SERVICE

Tom Tidwell, Chief
Forest Service
U. S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street, S.W.
Washington, DC 20024

Exhibit No. 3

**Carrier Certification of Out-of-Service Status/Local
Traffic/Overhead Traffic/No Complaints**

49 C.F.R. Section 1152.50(b)

**CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

I, Stephen Fisk, Senior Manager Business Development for Soo Line Railroad Company, hereby certify that with respect to the trackage that is the subject of this Verified Notice of Exemption in STB Docket No. AB-57 (Sub-No. 58X), Soo Line has had no movements over the subject trackage in at least two years. No local traffic has been handled to or from any customer for at least two (2) years prior to the date hereof and any overhead traffic routed over this line can be and has been rerouted over other lines. Further, I certify that no formal complaint has been filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line segment and that no such complaint is either pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period immediately preceding the filing of this Notice.

The foregoing Certification is made on behalf of Soo Line Railroad Company by the undersigned after due and careful investigation of the matters herein certified. I verify under penalty of perjury under the laws of the United States of America, that I have been authorized by Soo Line Railroad Company to verify and file with the Surface Transportation Board the foregoing statement; that I know the contents thereof and the facts asserted therein; that I declare that the foregoing is true and correct.

Dated: Sept 23, 2009



Exhibit No. 4


**Certification of Proper Service of
Environmental and Historic Reports**

49 C.F.R. Section 1105.7(c)

CERTIFICATE OF COMPLIANCE WITH SERVICE REQUIREMENT FOR
ENVIRONMENTAL AND HISTORIC REPORTS

The undersigned hereby certifies that he served the Environmental and Historic Reports in Docket No. AB-57 (Sub-No. 58X) with a transmittal letter conforming to the requirements of 49 C.F.R. § 1105.11 via first class U.S. Mail, on September 14, 2009, as required by 49 C.F.R. § 1105.7(c) and 49 C.F.R. § 1105.8, to the parties listed on the attached Service List.

Dated. October 5, 2009



W. Karl Hansen
LEONARD, STREET AND DEINARD
Professional Association
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402
Tel: (612) 335-7088
Fax: (612) 335-1657

SERVICE LIST
ENVIRONMENTAL AND HISTORIC REPORTS
Soo Line Railroad Company – Abandonment of
Trackage Located in Waukesha and Milwaukee Counties, Wisconsin
STB Docket No. AB-57 (Sub-No. 58X)

Appropriate Regional Office(s) of the
U.S. Environmental Protection Agency

Mr. Bharat Mathur
Acting Regional Administrator
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3507
Tel. (312) 353-2000

U.S. Fish and Wildlife Service

Mr. Tom Melius
Regional Director
(Region 3)
U.S. Fish and Wildlife Service
One Federal Drive
Fort Snelling, MN 55111-4056
Tel. (651) 713-5360

U.S. Army Corps of Engineers - Detroit, MI District Office

Lieutenant Colonel James B. Davis
District Commander, Detroit District
U.S. Army Corps of Engineers
477 Michigan Avenue
Detroit, MI 48226
Tel. (313) 226-6413

National Park Service

Mr. Ernie Quintana
Regional Director
National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226
Tel. (402) 661-1524

U.S. Soil and Conservation Service

USDA Natural Resources Conservation Service
8030 Excelsior Drive, Suite 200
Madison, WI 53719-2906
Tel. (608) 662-4422

National Geodetic Survey and U.S. Geological Survey

Ms. Juliana Blackwell
Director
National Geodetic Survey
NOAA, N/NGS 12
SSMC-3, #9202
1315 East-West Highway
Silver Spring, MD 20910-3282
Tel. (301) 713-3242

Ms. Suzette M. Kimball
Acting Director
U.S. Geological Survey Headquarters
John W. Powell Federal Building
12201 Sunrise Valley Drive
Reston, VA 20192
Tel. (703) 648-7411

STATE AGENCIES CONSULTED

State Clearinghouse

Wisconsin Department of Administration
IGA relations
101 East Wilson Street, 6th Floor
P.O. Box 7868
Madison, WI 53707-7868

State Department of Transportation for Wisconsin

Mr. Frank Busalacchi
Secretary
Wisconsin Department of Transportation
Hill Farms State Office Building
4802 Sheboygan Avenue
P.O. Box 7910
Madison, WI 53707-7999

State Environmental Protection Agency for Wisconsin

Wisconsin Department of Natural Resources
101 South Webster Street
Madison, WI 53707-7921

State Water Quality Official

Section Chief Bob Masnado
Water Evaluation Section
Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921
Madison, WI 53707-7921
Telephone: (608) 267-7662

State Historic Preservation Office for Wisconsin

Wisconsin Historical Society
816 State Street
Madison, WI 53706
Tel. (608) 264-6400

State Coastal Zone Management Agency

Wisconsin Coastal Management Program
P.O. Box 8944
101 East Wilson Street
Madison, WI 53708-8944
Tel. (608) 267-7982

Other Political Entities and/or Indian Reservations through which the line runs

WAUKESHA COUNTY

Chief Executive

County Administrator
Department of Administration
1320 Pewaukee Road, Room 320
Waukesha, WI 53188
Tel. (262) 548-7020

MILWAUKEE COUNTY

Chief Executive

County Executive Scott Walker
901 N. 9th Street
Courthouse, Room 306
Milwaukee, WI 53233-1458
Tel. (414) 278-4211

Regional Railroad Authority

Southeastern Wisconsin Regional Transit Authority
W239 N1812 Rockwood Drive
P.O. Box 1607
Waukesha, WI 53187-1607

CITY OF WAUWATOSA

City of Wauwatosa
7725 West North Avenue
Wauwatosa, WI 53213
Telephone: (414) 471-8484

VILLAGE OF ELM GROVE

Village of Elm Grove
Department of Building, Planning and Zoning
13600 Juneau Boulevard
Elm Grove, WI 53122
Telephone: (262) 782-6700

Exhibit No. 5

**Certificate of Publication of
Newspaper Notice**

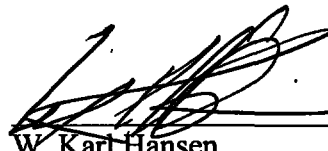
49 C.F.R. Section 1105.12

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-57 (Sub-No. 58X) was advertised in a newspaper of general circulation in all counties through which the line which is the subject of this Notice runs, as required by 49 C.F.R. Section 1105.12. A copy of the Affidavit of Publication and Notice are attached.

Dated:

October 5, 2009



W. Karl Hansen

LEONARD, STREET AND DEINARD

Professional Association

150 South Fifth Street, Suite 2300

Minneapolis, MN 55402

Tel.: (612) 335-7088

Fax: (612) 335-1657

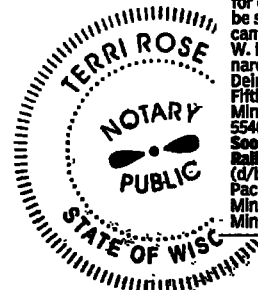


Exhibit No. 6

**Verification Regarding
Facts of Verified Notice of Exemption**

VERIFICATION

I, Stephen Fisk, Senior Manager Business Development for Soo Line Railroad Company, hereby verify that I have carefully examined all of the statements concerning the operations of Soo Line in the Verified Notice of Exemption, including the map attached as Exhibit No. 1 to the Notice; that I have knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of my knowledge, information, and belief.

The foregoing is made on behalf of Soo Line Railroad Company by the undersigned after due and careful investigation of the matters herein certified. I verify under penalty of perjury under the laws of the United States of America, that I have been authorized by Soo Line Railroad Company to verify and file with the Surface Transportation Board the foregoing statement; that I know the contents thereof and the facts asserted therein; that I declare that the foregoing is true and correct.

Date: Sept 23, 2009